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Curtin Says CIA Could Send Counsel to Testify in Trial

But U. S. Attorney Moves to Quash Order to Produce File on Bomber Case

If any CIA representative testifies as a defense witness at a Federal Court conspiracy trial, it will be the agency's general counsel, Lawrence R. Houston.

This was indicated Tuesday by U. S. Attorney John T. Curtin, who moved to quash a portion of a subpoena directing that a CIA representative bring with him any file the agency may have on the conspiracy case.

The two remaining defendants charged with unlawfully exporting seven B-26 bombers to Portugal in 1965 are: John R. Hawke, 28, a former Royal Air Force pilot, and Henri Marie Francois de Marin de Montmarin, 58, a French businessman.

Judge John O. Henderson has authorized issuance of subpoenas at government expense to 11 potential defense witnesses. One was directed to CIA Director Richard Helms or a subordinate.

To Hear Arguments

"Mr. Houston, the CIA's general counsel, is personally available," Mr. Curtin said, noting that the government also seeks to quash the subpoena issued to former CIA Deputy Director Richard Bissell.

Judge Henderson said he would hear oral argument on the motions after the government ends its case. The judge also advised Hawke's attorney, Edwin Marger, that the defense would have to lay a legal foundation before calling any CIA witness.

The trial started its third week

before the jury of 10 men and two women.

U. S. Customs Agent Sam Johnson of Miami testified that Hawke, de Montmarin and the missing defendant in the case, Gregory R. Board, landed in a C-46 cargo plane in Florida in September 1965.

Documents Rejected

Charges have been dismissed by the government against two other original defendants, a Canadian businessman and a California pilot-mechanic.

Judge Henderson ruled Tuesday that documents seized when the defendant de Montmarin was arrested in Florida could not be introduced into evidence by the government. Included were three letters between de Montmarin and his wife in Paris.

Reading portions of the letters in the jury's absence, Mr. Curtin indicated that de Montmarin advised his wife of an anticipated net profit of \$739,910.50 from the aircraft sale to the Portuguese. The money allegedly was to be divided among groups in Lisbon and Switzerland and de Montmarin.

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